

House Bill 647

By: Representatives Stanley-Turner of the 53rd, Thomas of the 55th, Henson of the 87th,
Beasley-Teague of the 65th, Orrock of the 58th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to establish a special fund to be known as the
3 "School Health and Physical Education Support Fund"; to provide for a state school health
4 and physical education program; to provide for funds, rules, and reports related thereto; to
5 amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating
6 to registration and licensing of motor vehicles generally, so as to provide for special license
7 plates promoting such program and related activities; to provide for issuance, renewal, fees,
8 licensing agreements, applications, transfers, and disposition of funds relative to such license
9 plates; to provide for related matters; to provide an effective date; to provide for contingent
10 repeal; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
14 secondary education, is amended by adding after Code Section 20-2-323 a new Code section
15 to read as follows:

16 "20-2-324.

17 (a) There is established a special fund to be known as the 'School Health and Physical
18 Education Support Fund.' The department shall utilize moneys placed in such fund derived
19 from special license plate sales, any funds appropriated to the department for such
20 purposes, and any voluntary contributions or other funds made available to the department
21 for such purposes for the implementation, operation, and support of a school health and
22 physical education program and activities in support thereof, including, but not limited to,
23 funding to support a state health/physical education coordinator at the Department of
24 Education and providing funds to local school systems to expand and improve their health
25 and physical education programs. The State Board of Education is authorized to

1 promulgate rules to direct and administer the school health and physical education program
2 and to carry out this Code section.

3 (b) The Department of Education shall submit a report to the Senate Education and Youth
4 Committee and the House Committee on Education detailing the receipts of and
5 expenditures from the fund. Such report shall be made not later than the last day of August
6 each year."

7 **SECTION 2.**

8 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
9 registration and licensing of motor vehicles generally, is amended by adding after Code
10 Section 40-2-49.3 a new Code section to read as follows:

11 "40-2-49.4.

12 (a) In order to promote and financially provide for school health and physical education
13 programs and educational activities directly in support thereof, there shall be issued
14 beginning January 1, 2007, special license plates promoting a school health and physical
15 education program as provided for in Code Section 20-2-324.

16 (b) The Department of Education, in cooperation with the commissioner, shall design
17 special distinctive license plates appropriate to promote school health and physical
18 education programs. The school health and physical education program license plates must
19 be of the same size as general issue motor vehicle license plates and shall include a unique
20 design and identifying number, whereby the total number of characters does not exceed six.
21 No two recipients shall receive identically numbered plates. Such design shall provide
22 space in which to indicate the name of the county of issuance.

23 (c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section
24 shall not be implemented until such time as the State of Georgia has, through a licensing
25 agreement or otherwise, received such licenses or other permissions as may be required to
26 implement this Code section. The design of the initial edition of the school health and
27 physical education program license plates, as well as the design of subsequent editions and
28 excepting only any part or parts of the designs owned by others and licensed to the state,
29 shall be owned solely by the State of Georgia for its exclusive use and control, except as
30 authorized by the State Board of Education. The State Board of Education may take such
31 steps as may be necessary to give notice of and protect such right, including the copyright
32 or copyrights. However, such steps shall be cumulative of the ownership and exclusive use
33 and control established by this subsection as a matter of law, and no person shall reproduce
34 or otherwise use such design or designs, except as authorized by the State Board of
35 Education.

(d) Beginning in calendar year 2007, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a fee of \$25.00 in addition to the regular motor vehicle registration fee, shall be issued a school health and physical education program license plate. Revalidation decals shall be issued for school health and physical education program license plates in the same manner as provided for general issue license plates.

(e) The funds derived from the sale of school health and physical education program license plates, less a \$1.00 processing fee which shall be granted to county tag offices per plate sold and less the actual manufacturing cost of the plates shall be deposited in the special fund for support of the school health and physical education program created by Article III, Section IX, Paragraph VI(n) of the Constitution of the State of Georgia. As soon as practicable after December 31 of each year, the commissioner shall report the net amount derived from the sale of school health and physical education program license plates to the Department of Education.

(f) An applicant may request a school health and physical education program license plate any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the school health and physical education program license plate shall be issued with appropriate decals attached.

(g) School health and physical education program license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-42.

(h) School health and physical education program license plates shall be issued within 30 days of application."

SECTION 3.

(a) This Act shall become effective on January 1, 2007, except as otherwise provided by subsection (b) of this section.

(b) If an amendment to the Constitution of the State of Georgia authorizing the creation of a special fund for support of a school health and physical education program is not ratified at the general election in 2006, this Act shall be repealed in its entirety on January 1, 2007, and no such motor vehicle license plates shall be issued pursuant to this Act.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.